

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TATE FISHMAN,

Plaintiff,

vs.

ALEXANDRA POLUR-GOLD,

Defendant.

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CASE NO. 1-21-cv-108

JUDGE SUSAN DLOTT

ANSWER AND COUNTERCLAIMS; JURY DEMAND ENDORSED HEREON

Now comes Defendant, by and through counsel, and hereby provides the following Answer to Plaintiff's Complaint:

1. Defendant admits paragraphs 3 and 16 of the Complaint.
2. Defendant denies paragraphs 4, 5, 7-9, 14, 15, 17, 20-24 and 26-30 of the Complaint.
3. With regard to paragraphs 1, 2, 6, 10-13 and 18 of the Complaint, Defendant is without facts or information sufficient to form a belief about the truth of such allegations and therefore denies same.
4. With regard to paragraphs 19 and 25 of the Complaint, Defendant incorporates the foregoing responses to the allegations as if fully rewritten herein.
5. Defendant denies all further allegations of the Complaint.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state claims upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The statements made by Defendant were true.

THIRD AFFIRMATIVE DEFENSE

The statements made by Defendant were privileged.

FOURTH AFFIRMATIVE DEFENSE

The statements made by Defendant were opinions.

WHEREFORE, Defendant respectfully requests that the Complaint be dismissed in its entirety with prejudice and that she be awarded her costs and all other relief to which she may be lawfully entitled.

Respectfully Submitted,

/s/ Konrad Kircher

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COUNTERCLAIMS

Now comes Defendant, by and through counsel, and hereby states the following Counterclaims against Plaintiff:

1. Defendant incorporates her admissions, denials and other responses of her Answer and states further as follows.

2. The contact which Plaintiff admits he made with Defendant in paragraph 8 of this Complaint was not “accidental.” On the contrary, the contact was intentional, nonconsensual, harmful and with sexual intention.

3. As a direct and proximate result of Plaintiff’s unlawful conduct, Defendant has incurred severe psychological injuries and will incur future medical bills and lost earning capacity.

FIRST CAUSE OF ACTION

(Battery)

4. Defendant incorporates her previous allegations as if fully rewritten herein.

5. Plaintiff’s actions described herein constitute unlawful civil battery in that the unwelcome physical touching was sexual in nature, intrusive, and harmful to Defendant.

6. As a direct and proximate result of Plaintiff’s battery, Defendant has suffered severe physical and emotional injuries and will continue to suffer from such injuries in the future, including medical expenses and lost earning capacity.

SECOND CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

7. Defendant incorporates her previous allegations as if fully rewritten herein.

8. Plaintiff’s conduct described herein was extreme and outrageous and intended to cause Defendant harm.

9. Said conduct intentionally or recklessly caused serious emotional distress to Defendant.

10. As a direct and proximate result of Plaintiff’s conduct described herein, Defendant has suffered severe physical and emotional injuries and will continue to suffer from such injuries in the future, including medical expenses and lost earning capacity.

THIRD CAUSE OF ACTION
(Victim of Crime)

11. Defendant incorporates her previous allegations as if fully rewritten herein.

12. Plaintiff's conduct described herein constitutes multiple crimes.

13. As a direct and proximate result of Plaintiff's conduct described herein, Defendant has suffered severe physical and emotional injuries and will continue to suffer from such injuries in the future, including medical expenses and lost earning capacity.

14. Defendant is therefore entitled to a civil remedy in the form of damages arising from Plaintiff's crimes pursuant to R.C. 2307.60.

WHEREFORE, Defendant respectfully demands judgment against Plaintiff for compensatory damages in excess of \$75,000, punitive damages, reasonable attorney fees, costs and all other relief to which she may be lawfully entitled.

Respectfully Submitted,

/s/ Konrad Kircher

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JURY DEMAND

Defendant hereby demands a jury of her peers as to all issues so triable.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed through the Court's efilings system and will be served upon all counsel of record through that system.

/s/ Konrad Kircher

Konrad Kircher (0059249)